

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ronald A. Caarls et al.

Application No.: 10/725,300

Confirmation No : 2879

Filed: December 1, 2003

Art Unit: 3611

For: ILLUMINATED SIGN

Examiner: Joanne Silbermann

**AMENDMENT AND RESPONSE TO SECOND RESTRICTION
REQUIREMENT**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Commissioner:

In response to the restriction requirement mailed on October 18, 2006, applicants respectfully elect Species II, Fig. 3, with traverse.

Claims 1-3 and 5-6, 8-14, and 16-19 read on Species II.

Further, all pending claims except claims 7 and 15 are generic to both Species II and Species III. Only claims 7 and 15 are specific to Species III. Thus, pending claims 1-3, 5-6, 8-14 and 16-19 are all generic to Species II and III.

Applicants respectfully submit that Species II and III belong together because the only difference between Species and Species III is the placement of the light source. In Species II, the light source is placed below the light guide. In Species III, the light source is placed in the light guide. Thus, the embodiment in Figs. 3 and 4-5 are so similar, that a search covering Fig. 3 would undoubtedly cover Figs. 4-5 and vice versa. Further, not only does the placement of the light source in the light guide (Species III; Figs. 4-5) as opposed to below the light guide (Species II; Fig. 3) not require an additional search, the placement of the light source does not require any additional search effort or an independent examination.

Clearly, the burden upon having Species II examined separately from Species III would fall upon the applicant, as it would have to pay an additional filing fee, an additional issue fee and the associated costs with an additional prosecution. Because the independent claims 1 and 14 are generic to both species and because an additional search is not warranted or needed, examination of Species II and Species III together is respectfully requested.

Claim 20 is cancelled as it arguably reads on restricted Figs. 1-2

A listing of the claims begin on page 3 of this paper.

Remarks begin on page 7 of this paper.